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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

MOSES RODRIGUEZ,

Defendant and Appellant.

B220172

(Los Angeles County
Super. Ct. No. BA361458)

APPEAL from a judgment of the Superior Court of Los Angeles County.
Michael D. Carter, Judge. Affirmed.

Moses Rodriguez, in pro. per.; and Richard B. Lenon, under appointment by the
Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

* * * * *

Count 1 of the information charged appellant Moses Rodriguez with assault with a semiautomatic firearm (Pen. Code, §§ 245, subd. (b), 667.5, subd. (c), 1192.7, subd. (c), 12022.5).¹ Count 2 charged shooting at an inhabited dwelling (§ 246). Both counts included firearms allegations (§§ 12022.5, 12022.53, subds. (b), (c) & (e)(1)) and a criminal street gang allegation (§ 186.22, subd. (b)(1)(C)). One prior strike was alleged, a juvenile adjudication for carjacking (§ 215, subd. (a)).

The probation report showed these facts: On August 30, 2009, appellant and two fellow members of his gang drove up to a certain address, yelled “F--- Playboys,” and fired shots at the victim. Appellant and his companions drove off, the victim ran away, the police arrived, and appellant and his companions were apprehended when they drove back to the scene of the shooting.

On September 1, 2009, counsel was appointed, appellant pled not guilty, and a preliminary hearing was scheduled for September 14, 2009.

On September 14, 2009, pursuant to a negotiated plea, appellant pled nolo contendere to count 2 and admitted the strike prior and the gang allegation.

On October 9, 2009, appellant was sentenced to 16 years in state prison, based on the low term of 3 years on count 2, doubled to 6 years for the strike, plus 10 years for the gang enhancement. A total of 47 days of presentence credits was awarded. The remaining charges were dismissed pursuant to the plea. The maximum possible term of incarceration without the plea was 24 years.

Appellant filed a timely notice of appeal. His appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), raising no issues. Appellant was notified that he could file his own brief, and he did file a letter with this court, in propria persona. He complains that he had not been in superior court before, he did what his counsel told him to do, he did not really know what was happening, and he did not even have a preliminary hearing. The record of the plea proceedings shows, however,

¹ Subsequent statutory references are to the Penal Code.

that when appellant was advised of the consequences of the plea, he said he understood it and wanted to accept it.

From our review of the record, we are satisfied that appellant's counsel has fully complied with his responsibilities and no arguable issues exist. (*Smith v. Robbins* (2000) 528 U.S. 259, 276; *People v. Kelly* (2006) 40 Cal.4th 106, 123-124; *Wende, supra*, 25 Cal.3d at p. 441.)

DISPOSITION

The judgment is affirmed.

FLIER, J.

We concur:

BIGELOW, P. J.

GRIMES, J.